

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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GREG VANCE,	)	
	)	
Charging Party,	)	Cause No. 0031010554
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
	)	
MEADOWLARK COUNTRY CLUB,	)	
	)	
Respondent.	)	

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On December 22, 2003, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. January 5, 2004, Charging Party (Greg Vance) filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on March 25, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Greg Vance's assertion that his employer, Meadowlark Country Club (Meadowlark), had refused to provide him with a reasonable accommodation for his disability.

On appeal to the Commission, Greg Vance argued in his brief that the investigator did not perform an adequate investigation into the matter and deliberately ignored the main focus of his entire complaint. Vance argued he was fired for trying to protect himself from a hazard in the workplace in violation of "the OSH Act Section 11(c)." In response, Meadowlark argued that the investigator correctly focused on violations of the Montana Human Rights Act and not the Occupational Safety and Health Act. Meadowlark contends the investigator rightly concluded that Vance had made one request for an accommodation, specifically "non-toxic cleaning materials," and this accommodation had been provided.

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) and Admin. R. Mont. 24.9.1714(5)* If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and the Human Rights Bureau's notice of dismissal is affirmed.

Dated this \_\_\_\_\_ day of March, 2004.

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

## **CERTIFICATE OF SERVICE**

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on March \_\_\_\_ 2004.

GREG VANCE  
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Montana Human Rights Bureau